



DAC

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#4

20.12.2000

Commissioner of Patents and
Trademarks
Washington DC 20231

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JAN 03 2001

OFFICE OF PETITIONS

Re. US Appl.No: 09/646,764
PCT Designation: PCT/AU98/00199
Internat. Filing Date: July 17, 1995
IA Filing Date: 11.24.00

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14 FEB 2001

The following can be seen as a **PETITION** and a **COMPLAINT**

Legal Staff

The petition is to withdraw the holding of abandonment (Annex 1) under the provisions of 37 DFR 1.181 (no fee) - no abandonment-in-fact.

The complaint concerns the way PAT BOOKER, PARALEGAL or whoever is responsible for this office action (Annex 1) is handling this application. The procedure taken here can be described as nothing less than a deliberate attempt to harass the applicant.

The Notice of Abandonment (Annex 1) dated 24.11.00 is not in keeping with the spirit or word of the PTO's patent rules and regulations.

Annex 2 (excerpt from transmittal application) shows quite clearly my instructions for the collection of the filing fee from my deposit account with PTO.

Annex 3 (Statement of Account at 31 October, 2001) shows clearly that sufficient funds are available.

Annex 4 (excerpt from transmittal application) shows in his own hand writing that the inventor himself wishes to prosecute the application.

However this notification is not necessary because 37 CFR 1.33 (a) specifically states:

„All notices, official letters, and other communications in the case will be directed to the correspondence address or, if no such correspondence address is specified.....or, if no attorney or agent of record, to the applicant”

Annex 5 is a copy of the transmittal letter to the US designated office

Based on the evidence above, the applicant requests that the NOTICE OF ABANDONMENT dated 24 NOV 00 be vacated forthwith.

The applicant also requests

1. That the Legal and Examining Staff processing PCT applications in future desist in harassing inventors when dealing with them
and

2. that office actions with non-US residents with a DEADLINE for reply are either

forwarded by AIR MAIL directly to the correspondence address

or

if the present postage system is retained, whereby correspondence is often routed through either SINGAPORE or ROTTERDAM apparently as part of bulk mail, then a mandatory addition of at least 1 MONTH to the DEADLINE PERIOD is made.

Peter A Miller
Inventor and Applicant

A handwritten signature in black ink, appearing to read 'Peter A. Miller', written over the printed name and title.

Attached are Annexes 1-5